IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 2561 of 2007(E)

AGAINST THE ORDER IN EP.787/2003 IN OS.1834/2002 of PRL.M.C.,IRINJALAKUDA

.....

PETITIONER:

NANDAKUMAR, S/O. NARAYANA MENON,
MUNDATHE HOUSE, HANAVALLASSERY VILLAGE,
THANISSERY DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.V.BINOY RAM

RESPONDENTS:

SYNDICATE CHIT FUNDS, IRINJALAKUDA.

BY G.SRREKUMAR (CHELUR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.2561 OF 2007

Dated 25th January 2007

J U D G M E N T

Petitioner is judgment debtor. Respondent is decree holder. Petitioner is challenging the order of arrest passed by executing court finding that petitioner has means but neglected to pay the decree debt.

2. Learned counsel appearing for petitioner and respondent were heard.

3. Learned counsel submitted that petitioner may be permitted to pay the decree debt in eight equal monthly instalments. Learned counsel appearing for respondent submitted that petitioner may be directed to pay decree debt in five or six equal monthly instalments.

4. This petition is allowed. Order of arrest is quashed. Petitioner is directed to pay the entire balance decree debt in eight equal monthly instalments, first instalment falling on 20/2/2007. If petitioner commits default in payment of two consecutive instalments executing court to proceed with arrest of petitioner.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.